

ORIGINAL

Joseph Serino, Jr. (JS-9911)

KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 446-4800
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILLIP J. BARKETT, JR.

Plaintiff,

vs.

SOCIÉTÉ GÉNÉRALE, DANIEL BOUTON
and ROBERT A. DAY,

Defendants.

Case No.: 08 CV 02495 (GEL)

**NOTICE OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District
Courts for the Southern and Eastern Districts of New York, I Joseph Serino, Jr., a member in
good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac*
vice of:

Mark C. Holscher
Kirkland & Ellis LLP,
777 Figueroa Street
Los Angeles, CA 90017-5800
Tel: (213) 680-8400
Fax: (213) 680-8500

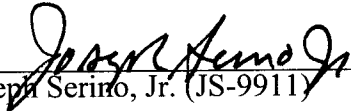
Mark C. Holscher is a member in good standing of the Bar of the State of
California. There are no pending disciplinary proceedings against Mark C. Holscher in any State
or Federal court.

JUN 24 2008

08-025-655124

Dated: June 23, 2008

New York, New York



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Attorney for Defendant Robert A. Day

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**DECLARATION OF JOSEPH SERINO,
JR. IN SUPPORT OF MOTION TO
ADMIT COUNSEL *PRO HAC VICE***

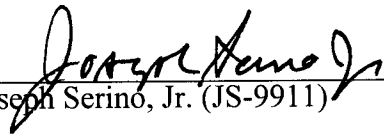
Joseph Serino, Jr. declares as follows:

1. I am Joseph Serino, Jr., a member of Kirkland & Ellis LLP and counsel for Defendant Robert A. Day ("Defendant") in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Mark C. Holscher as counsel *pro hac vice* to represent Defendant in this matter.
2. I am a member in good standing of the bar of the New York, and was admitted to practice law in March 1991. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Mark C. Holscher since May 2007.
4. Mr. Holscher is an attorney at Kirkland & Ellis LLP, 777 Figueroa Street, Los Angeles, CA 90017-5800.
5. I have found Mr. Holscher to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Mark C. Holscher *pro hac vice*.
7. I respectfully submit a proposed order gaining the admission of Mark C. Holscher, *pro hac vice*, which is attached hereto as Exhibit A.
8. I respectfully submit Mark C. Holscher's certificate of good standing from the State Bar of California, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Mark C. Holscher, *pro hac vice*, to represent Defendant Robert A. Day in the above captioned matters, be granted.

Dated: June 23, 2008
New York, New York

Respectfully submitted,



Joseph Serino, Jr. (JS-9911)

CERTIFICATE OF SERVICE

I hereby certify that on this ²⁴~~23~~th day of June, 2008, true and correct copies of (1) Notice of Motion to Admit Counsel *Pro Hac Vice*; and (2) Declaration of Joseph Serino, Jr. in Support of Motion to Admit Counsel *Pro Hac Vice* and supporting exhibits were served by first class mail on:

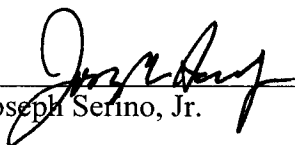
Elizabeth A. Berney
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29 Boulevard Haussmann
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Joseph Serino, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendants.

Case No.: 08 CV 02495 (GEL)

**ORDER FOR ADMISSION *PRO HAC*
VICE ON WRITTEN MOTION**

Upon the motion of Joseph Serino, Jr. attorney for Robert A. Day and said
sponsor attorney's affidavit of support:

IT IS HEREBY ORDERED that

Mark C. Holscher
Kirkland & Ellis LLP
777 Figueroa Street
Los Angeles, CA 90017-5800
Tel: (213) 680-8400
Fax: (213) 680-8500
Email: mholscher@kirkland.com

is admitted to practice *pro hac vice* as counsel for Robert A. Day in the above
captioned case in the United States District Court for the Southern District of New York. All
attorneys appearing before this Court are subject to the Local Rules of this Court, including the
Rules governing discipline of attorneys.

If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at www.nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:

New York, New York

United States District Judge



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

June 16, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MARK CHARLES HOLSCHER, #139582 was admitted to the practice of law in this state by the Supreme Court of California on May 31, 1989; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Dina DiLoreto". The signature is stylized with a large, sweeping initial "D" and a long horizontal stroke.

Dina DiLoreto
Director of Administration